

SEC. 712. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 323 of this Act, is amended—

(1) in paragraph (3)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (7), by inserting “unsecured” after “allowed”.

SEC. 713. EXEMPTIONS.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking “includes a liability designated as” and inserting “is for a liability that is designated as, and is actually in the nature of,”; and

(B) by striking “, unless” and all that follows through “support”; and

(2) in subsection (g)(2), by striking “subsection (f)(2)” and inserting “subsection (f)(1)(B)”.

SEC. 714. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3), by striking “or (6)” each place it appears and inserting “(6), or (15)”;

(2) as amended by section 304(e) of Public Law 103-394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert it after paragraph (14) of subsection (a);

(3) in subsection (a)(9), by inserting “, watercraft, or aircraft” after “motor vehicle”; and

(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by inserting “to a spouse, former spouse, or child of the debtor and” after “(15)”;

(5) in subsection (a)(17)—

(A) by striking “by a court” and inserting “on a prisoner by any court”;

(B) by striking “section 1915 (b) or (f)” and inserting “subsection (b) or (f)(2) of section 1915”; and

(C) by inserting “(or a similar non-Federal law)” after “title 28” each place it appears; and

(6) in subsection (e), by striking “a insured” and inserting “an insured”.

SEC. 715. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking “section 523” and all that follows through “or that” and inserting “section 523, 1228(a)(1), or 1328(a)(1) of this title, or that”.

SEC. 716. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting “student” before “grant” the second place it appears; and

(2) in paragraph (2), by striking “the program operated under part B, D, or E of” and inserting “any program operated under”.

SEC. 717. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting “365 or” before “542”.

SEC. 718. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking “subsection (c)” and inserting “subsections (c) and (h)”;

(2) by adding at the end the following:

“(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.”.

SEC. 719. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting “an interest in” after “transfer of”;

(2) by striking “such property” and inserting “such real property”; and

(3) by striking “the interest” and inserting “such interest”.

SEC. 720. TECHNICAL AMENDMENT.

Section 552(b)(1) of title 11, United States Code, is amended by striking “product” each place it appears and inserting “products”.

SEC. 721. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking “1009”.

SEC. 722. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section 408, is amended by inserting “1123(d),” after “1123(b),”.

SEC. 723. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by adding at the end the following:

“(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

“(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

“(ii) the service of any trustee appointed under subsection (d) shall terminate.

“(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.”.

SEC. 724. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 725. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 726. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking “1222(b)(10)” each place it appears and inserting “1222(b)(9)”.

SEC. 727. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking “or October 1, 2002, whichever occurs first”; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking “or October 1, 2002, whichever occurs first”; and

(ii) in the matter following subclause (II), by striking “October 1, 2003, or”; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking “before October 1, 2003, or”; and

(ii) by striking “, whichever occurs first”.

SEC. 728. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking “made under this subsection” and inserting “made under subsection (c)”;

(2) by striking “This subsection” and inserting “Subsection (c) and this subsection”.

SEC. 729. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting “(1) the term” before “‘bankruptcy’”; and

(B) by striking the period at the end and inserting “; and”; and

(2) in the second undesignated paragraph—

(A) by inserting “(2) the term” before “‘document’”; and

(B) by striking “this title” and inserting “title 11”.

SEC. 730. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 17, 1998, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Gregory H. Friedman to be Inspector General of the Department of Energy; Charles G. Groat to be Director of the United States Geological Survey, Department of the Interior; and to consider any other pending nominations which are ready for consideration before the Committee.

For further information, please contact Gary Ellsworth of the committee staff at (202) 224-7141.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the recent midwest electricity price spikes.

The hearing will take place on Thursday, September 24, 1998, at 10:00 A.M. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to testify or submit a written statement should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Julie McCaul or Howard Useem at (202) 224-7875.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 9, 1998, at 9:30 a.m. on auto choice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, September 9, 1998, at 10:00 a.m. for a hearing on the Inspector General Act of 1978 on its 20th Anniversary.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, September 9, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on "Impeachment or Indictment: Is a Sitting President Subject to the Compulsory Criminal Process?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ENVIRONMENTAL RESTORATION AT LAKE TAHOE

• Mrs. FEINSTEIN. Mr. President, I rise today to convey my strong support for the \$3,000,000 this bill contains for land acquisition at Lake Tahoe. This funding is crucial if we are to control the erosion problem that is robbing Lake Tahoe of its striking water clarity.

Lake Tahoe is the crown jewel of the Sierra Nevada. The clarity of its blue waters, and the beauty of its surrounding forests and high mountains, inspired Mark Twain to call it "the fairest view the whole earth affords."

Mark Twain would still recognize the Lake Tahoe Basin today, but it is no longer a pristine wilderness surrounding a perfectly clear lake. Today Lake Tahoe is a year-round recreational mecca, drawing millions annually to its ski slopes, hiking trails, and crystal clear waters. Lake Tahoe is a major economic force in both California and Nevada, contributing \$1.6 billion annually to the economy from tourism alone.

The environment and the economy are inextricably linked at Lake Tahoe. The famous azure lake and its surrounding pristine forests are the primary reasons that people visit the region. Protecting environmental quality at Lake Tahoe is key to preserving the economy of the Sierra region.

Scientists agree that the Lake is in the midst of an environmental crisis. Lake Tahoe is one of the largest, deepest, and clearest lakes in the world, but that remarkable clarity is disappearing at the rate of over a foot a year.

In the 1960s, you could drop a white plate into Lake Tahoe and watch it fall 105 feet before it disappeared. Now you can watch the same plate fall only 70 feet. As the Lake's water clarity decreases, algae is taking over. In 10 years, the effects could be irreversible.

Why the troubling decline? The answers are quite simple: air pollution and erosion. Algae is fed by nitrogen, a key component in car exhaust, and phosphorous, a key component of runoff that flows into Lake Tahoe from streams, paved roads, old logging roads, golf courses, and even private homes.

Lake Tahoe was once ringed by wetlands that filtered out most of this harmful sediment and debris. But most of the wetlands have been filled in to provide more lakefront property. The lake's clarity continues to deteriorate.

For nearly 20 years, the Forest Service has been slowing this deterioration by acquiring environmentally sensitive land at Lake Tahoe—land especially prone to the erosion that is slowly strangling the Lake—and protecting it from development. Since 1980, the Forest Service has purchased 11,000 acres at Lake Tahoe. This acquisition program has the wholehearted support of Lake Tahoe's elected officials, as well

as both environmental and business groups.

The \$3 million for land acquisition contained in this bill will help buy parcels like the Wells property, an 18.5 acre site adjacent to a County park that includes some of the few remaining wetlands surrounding Lake Tahoe, as well as a stretch of Burke Creek that provides a vital wildlife corridor. If the Forest Service is not able to buy this property, it may end up being developed into 50 condominium units.

Land acquisition funds may also be used for a phased-in purchase of High Meadows, a 2300-acre parcel that remains the largest private inholding in the Lake Tahoe Basin. The meadows include the headwaters for Cold Creek, one of Lake Tahoe's most sensitive watersheds. Protecting the property could dramatically reduce the amount of sediment and debris that flows currently flow into Lake Tahoe from Cold Creek.

I commend the Committee for including these land acquisition funds for Lake Tahoe in this bill. I am disappointed that the House did not include any funds in its version of the bill. I intend to urge the Senate conferees on this legislation to protect the full \$3 million in conference.

Unfortunately, this \$3 million barely scratches the surface of what is needed to restore the environment at Lake Tahoe. The region's environmental problems extend well beyond its famous azure lake.

Insect infestations have killed over 25 percent of the trees in the forests surrounding Lake Tahoe, creating a severe risk of catastrophic wildfire that could destroy communities and have a devastating impact on water quality at the Lake. The millions of cars that visit the Lake Tahoe Basin each year worsen erosion problems from roads and produce nitrogen that ends up feeding algae in the Lake.

The Federally-chartered Tahoe Regional Planning Agency estimates that preserving the Lake's water quality, restoring its fragile forest ecosystem, and establishing a public transportation system that would reduce air pollution and road run-off could cost \$900 million in Federal, State, local, and private funds.

The Federal government, through the United States Forest Service, owns nearly 80 percent of the land in the Lake Tahoe Basin. Therefore, we have a unique responsibility for protecting Lake Tahoe. Two important Federal reports that are currently pending will help determine what steps the Forest Service must take to stop the environmental decline at the Lake.

One report is the Watershed Assessment, a study being conducted by an independent team of scientists, that will create a model of Lake Tahoe's ecosystem to help us determine the impact of proposed environmental restoration projects. Lake Tahoe is so fragile that we need to be sure prescribed burning to reduce the risk of